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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,942	01/30/2001	Chiyoshige Nakazawa	249-161	9698
23117	7590	09/14/2004	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			NGHIEM, MICHAEL P	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/771,942	<b>Applicant(s)</b> NAKAZAWA ET AL.	
	<b>Examiner</b> Michael P Nghiem	<b>Art Unit</b> 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 23,25-34 and 36-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23,25-29,36,38 and 40-42 is/are allowed.
- 6) ☒ Claim(s) 30-33 is/are rejected.
- 7) ☒ Claim(s) 34,37 and 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

The Amendment filed on May 3, 2004 has been acknowledged.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 30, 32, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (US 4,855,762).

Regarding claim 30, Suzuki discloses an ink cartridge (Fig. 3) comprising:

- a cartridge main body (Fig. 3) having a first case (case containing 10) and a second case (case containing 9) joined to the first case (Fig. 3);
- first and second ink bags (9, 10) each comprising a bag main body (bag bodies of 9, 10) storing ink and an outlet (outlet of 5) through which the ink can be discharged from the bag main body (Fig. 3), the first and second ink bags being housed by the first case and the second case (Fig. 3), wherein when the first case and the second case are joined, the outlets of the first and second ink bags are pressed directly against each

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other by the first case and the second case (5's are directly pressed against each other, Fig. 3);

- wherein the first case forms a first ink cartridge for housing the first ink bag (Fig. 3) and the second case forms a second ink cartridge for housing the second ink bag (Fig. 3);

- a joint mechanism (includes 7, grooves, protrusions of 5's, Fig. 3) for detachably joining the first ink cartridge and the second ink cartridge (7 may be removable, column 2, lines 55-56).

Regarding claim 32, Suzuki discloses that the joint mechanism has snap-fit parts (grooves, protrusions of 5's) formed in a side portion of the first ink cartridge and in a side portion of the second ink cartridge (Fig. 3).

Regarding claim 33, Suzuki discloses that the second ink cartridge comprises a recess (groove of 5) into which the first ink cartridge can be fitted in the thickness direction (Fig. 3).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Tazaki (US 4,695,824).

Suzuki discloses all the claimed limitations as discussed above except a waste-ink holding member.

Nevertheless, Tazaki discloses a waste-ink holding member (4) for the purpose of storing waste ink.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Suzuki with a waste-ink holding member as disclosed by Tazaki for the purpose of storing waste ink.

### ***Allowable Subject Matter***

3. Claims 34, 37, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 23, 25-29, 36, 38, and 40-42 are allowed.

***Reasons For Allowance***

5. The combination as claimed wherein each of the first case and the second case comprises a partition plate clamp face such that the partition plate is clamped by the partition plate clamp face of the first case and the partition plate clamp face of the second case for defining the position of the partition plate (claim 25) or a first detection plate attached to the first ink bag and a first detection plate attached to the first ink bag (claims 29, 34) or the ink cartridges being detachably joined by a joint mechanism, wherein the joint mechanism comprises at least one insertion projection engageable with a corresponding at least one insertion hole (claim 40) or the waste-ink holding member is placed in the cartridge having the smallest value resulting from dividing a volume of ink in the ink bag housed in each ink cartridge by the number of nozzles of the ink nozzle group corresponding to the ink bag (claim 41) is not disclosed, suggested, or made obvious by the prior art of record.

***Response to Arguments***

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from

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the examiner should be directed to Michael Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (571) 272-2269. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

0956.

A handwritten signature in black ink, appearing to read 'Michael Nghiem', with a stylized flourish at the end.

**MICHAEL NGHIEM**  
**PRIMARY EXAMINER**

Michael Nghiem

September 7, 2004